

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHELSEA HENNING,)
v.)
Plaintiff,)
CAROLYN W. COLVIN,) Case No. CIV-13-28-D
Acting Commissioner of the Social)
Security Administration,)
Defendant.)

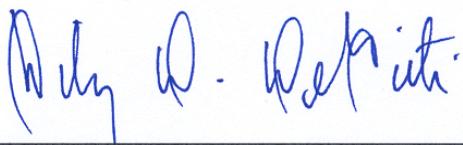
ORDER AWARDING ATTORNEY'S FEES

This matter comes before the Court for consideration of Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 18]. Plaintiff seeks an award of fees pursuant to 28 U.S.C. § 2412, in the amount of \$4,758.90 for the legal services provided by her attorney (27.35 hours) in this case. Plaintiff is the prevailing party by virtue of the Judgment and Order of Remand entered December 13, 2013. The Acting Commissioner has responded to the Motion by stating she does not oppose the request, provided the award is made to Plaintiff consistent with *Astrue v. Ratliff*, 130 S. Ct. 2521, 2529 (2010), and *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

Upon consideration of the law, the record, and the facts shown by the Motion, the Court finds: (1) the Commissioner's position in this case was not substantially justified; (2) Plaintiff is entitled to an award of attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount of fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion is GRANTED. The Court orders an award of attorney's fees to Plaintiff Chelsea Henning pursuant to the Equal Access to Justice Act in the amount of \$4,785.90. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 23rd day of December, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE